

**Maine Revised Statutes**  
**Title 35-A: PUBLIC UTILITIES**  
**Chapter 13: PROCEDURE**

**§1304. PUBLIC HEARINGS**

Public hearings conducted by the commission under this Title are subject to the following provisions. [1987, c. 141, Pt. A, §6 (NEW).]

**1. Notice to utility and parties.** The commission shall notify the public utility, other parties and interested persons it considers proper of the time and place of the formal public hearing as provided in Title 5, section 9052.

[ 1995, c. 226, §1 (AMD) . ]

**2. Notice to subscribers.** If, after the commission has notified the public utility of the hearing as provided in this section or in section 310, it appears that the time, place and nature of the hearing will not be reasonably publicized by newspaper or otherwise, the following provisions apply.

A. The commission may by rule or upon written notice to the public utility require it to:

(1) Give reasonable notice of the time and place of the hearing to each subscriber affected or to be affected by the subject of the hearing; or

(2) File pertinent information as to the rates or service involved, including schedules of proposed rates, in the office of the clerk of the municipality where the subscribers reside. [1995, c. 226, §2 (AMD) . ]

B. The notice given by the public utility shall:

(1) Be given by first class mail; and

(2) Include a statement that pertinent information as to rates or service is on file in the office of the clerk of the municipality where the subscribers reside. [1987, c. 141, Pt. A, §6 (NEW) . ]

C. Nothing in this section relieves the utility from the provisions of section 308. [1989, c. 502, Pt. A, §124 (AMD) . ]

[ 1995, c. 226, §2 (AMD) . ]

**3. Subpoenas.** The commission may issue subpoenas to require the attendance and testimony of witnesses and the production of evidence relating to any fact at issue in the hearing. A party to a hearing is entitled to have subpoenas issued by the commission in the manner described in Title 5, section 9060.

[ 1995, c. 226, §3 (AMD) . ]

**4. Hearings.** A party to a hearing is entitled to be heard in the manner described in Title 5, section 9056.

[ 1995, c. 226, §3 (AMD) . ]

**5. Commission authorized to act on an expedited basis.** In proceedings pursuant to section 1302, 1303 or 1321, after reasonable notice and opportunity to be heard, the commission may issue a temporary order pending the conclusion of the formal public hearing. In making the order, the commission shall consider the likelihood that it would be issued at the conclusion of the proceeding, the benefit to the public or affected customers compared to the harm to the utility or other customers of issuing the order and the public interest. Notwithstanding any other provisions of law, upon a written finding that the procedural

requirements otherwise required by law will result in unreasonable harm to a utility, a customer or the public, the commission may establish accelerated notice periods, schedules and limitations on hearings as may be necessary to expedite consideration of the order.

[ 1987, c. 141, Pt. A, §6 (NEW) .]

**6. Commission authorized to waive public hearing.** Unless one or more parties request a public hearing, the commission may waive the requirement for a public hearing under any provision of this Title.

[ 1995, c. 357, §2 (NEW) .]

#### SECTION HISTORY

1987, c. 141, §A6 (NEW). 1989, c. 502, §A124 (AMD). 1995, c. 226, §§1-3 (AMD). 1995, c. 357, §2 (AMD).

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